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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, et al.,
Plaintiffs,

V.

GINA RAIMONDO, in her official capacity as Secretary of Commerce, et al.,

Defendants.

Case No. 1:20-cv-00426-DAD-EPG
Case No. 1:20-cv-00431-DAD-EPG

**STIPULATION TO EXTEND BY TWO DAYS
FEDERAL DEFENDANTS' DEADLINE TO
RESPOND TO PLAINTIFFS' MOTIONS TO
COMPLETE AND/OR SUPPLEMENT THE
ADMINISTRATIVE RECORDS**

THE CALIFORNIA NATURAL
RESOURCES AGENCY, et al.,
Plaintiffs,

V_a

GINA RAIMONDO, et al.,
Defendants.

This stipulation is entered between the parties for an extension of two days for Federal Defendants to respond to Plaintiffs' motions in *Pacific Coast Federation of Fishermen's Associations v. Raimondo* ("PCFFA"), Case No. 1:20-cv-00431-DAD-EPG, to complete the administrative records or, in the alternative, supplement the administrative records (ECF 224), and in *California Natural Resources Agency v. Raimondo* ("CNRA"), Case No. 1:20-cv-00426-DAD-EPG (ECF 149, ECF 158), to complete and supplement the records (collectively, "Plaintiffs' Motions"), and corresponding extensions for the deadlines for Intervenor-Defendants' responses as well as any replies by Plaintiffs.

RECITALS

WHEREAS, on September 23, 2020, the parties stipulated to a schedule for Federal Defendants to produce the administrative records of the United States Fish and Wildlife Service (“FWS”), the National Marine Fisheries Service (“NMFS”), and Bureau of Reclamation (“BOR”) for these cases, *CNRA*, ECF 142; *PCFFA*, ECF 217, and the stipulation established a meet and confer process regarding the submitted administrative records and a briefing schedule for any motions to supplement and/or complete the records;

WHEREAS, in accordance with the parties' stipulation, Federal Defendants submitted the three agencies' respective administrative records in these cases on September 23, 2020, *CNRA*, ECF 143; *PCFFA*, ECF 218, and after receiving the records, Plaintiffs in both cases and Intervenor-Defendants identified documents and categories of documents that they wished the agencies would include in the records, the parties met and conferred, and in an effort to narrow the scope of the dispute, Federal Defendants agreed to add certain, but not all, of these documents to the records;

WHEREAS, on December 18, 2020, Plaintiffs in *CNRA* and *PCFFA* filed separate motions to complete and/or supplement the administrative records along with memorandums of law and exhibits, *CNRA*, ECF 149-155; *PCFFA*, ECF 224-239;

WHEREAS, under Executive Order 13990 (Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis, 86 Fed. Reg. 7,037 (Jan. 25, 2021)), FWS, NMFS, and the BOR are currently reviewing the 2019 biological opinions for the Long-Term Operations of the Central Valley Project and State Water Project (“CVP”) challenged in these cases, consistent with the President’s direction in that Executive Order¹;

WHEREAS, on July 1, 2021, the Court most recently extended the due dates for Federal Defendants' response to Plaintiffs' Motions to July 12, 2021, the due date for Intervenor-Defendants' responses to Plaintiffs' Motions to July 16, 2021, and the due date for any replies by Plaintiffs to August 6, 2021 (*CNRA*, ECF 180, *PCFFA*, ECF 268);

WHEREAS, Federal Defendants intend to seek no later than July 14, 2021, a stay of these cases until September 30, 2021, to facilitate review of the 2019 biological opinions under Executive Order 13990 in order to conserve judicial resources, and Federal Defendants are still attempting to reach agreement with the parties on such a stay. This additional two-day extension is necessary because the *PCFFA* plaintiffs have requested until July 13, 2021 to provide their position on a stay and other parties have indicated the need for more time to consider a stay, and thus the extension will allow the parties additional time to discuss whether the parties can reach agreement about a stay of these cases before Federal Defendants file a motion for stay; and

WHEREAS, any party may move for emergency relief during the two-day extension stipulated to here, and any party may oppose such a motion.

STIPULATION

Now therefore, counsel for Federal Defendants, Plaintiffs, and Defendant-Intervenors hereby agree and stipulate, subject to approval by the Court, that: (1) the due date for Federal Defendants' response to Plaintiffs' Motions to complete and/or supplement the administrative records is extended to July 14, 2021; (2) the due date for Intervenor-Defendants' responses to

¹ See The White House, *Fact Sheet: List of Agency Actions for Review*, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/> (last visited July 12, 2021).

1 Plaintiffs' Motions is extended to July 19, 2021; and (3) the due date for Plaintiffs' replies is
2 extended to August 9, 2021.

3 Respectfully submitted,

4 Dated: July 12, 2021

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9 U.S. Department of Justice
10 Environment & Natural Resources Division
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15 EVE W. MCDONALD
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17 */s/ Clifford E. Stevens, Jr.*
18 CLIFFORD E. STEVENS, JR.
19 Sr. Trial Attorney
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21 Dated: July 12, 2021

22 */s/ Barbara Jane Chisholm*
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24 BARBARA JANE CHISHOLM
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26 ALTSHULER BERZON LLP
27 *Attorneys for Plaintiffs Golden State Salmon Association,*
28 *Natural Resources Defense Council Inc., Defenders of*
29 *Wildlife, and Bay.Org d/b/a The Bay Institute*

30 Dated: July 12, 2021

31 */s/ Glen H. Spain*
32 GLEN H. SPAIN
33 *Attorney for Plaintiffs Pacific Coast Federation of*
34 *Fishermen's Associations and Institute for Fisheries*
35 *Resources*

36 Dated: July 12, 2021

37 ROB BONTA
38 Attorney General of California
39 TRACY L. WINSOR
40 Supervising Deputy Attorney General

41 */s/ Daniel M. Fuchs*
42 DANIEL M. FUCHS
43 Deputy Attorney General

44 Stipulation to Extend Briefing Deadlines for Plaintiffs' Record Motions
45 Case Nos. 1:20-cv-00426-DAD-EPG; 1:20-cv-00431-DAD-EPG

Attorneys for Plaintiffs California Natural Resources Agency, California Environmental Protection Agency, and People of the State of California by and through Attorney General Rob Bonta

Dated: July 12, 2021

/s/ Daniel J. O'Hanlon

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Dated: July 12, 2021

/s/ Andrew Hitchings

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Irrigation District; Reclamation District No. 1004;
Conaway Preservation Group, LLC; David and Alice te
Velde Family Trust; Pelger Road 1700, LLC; Anderson-
Cottonwood Irrigation District; City of Redding; and
Knights Landing Investors, LLC*

Dated: July 12, 2021

/s/ Meredith E. Nikkel

MEREDITH E. NIKKEL
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Dated: July 12, 2021

/s/ Mathew G. Adams

MATTHEW G. ADAMS
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*Attorneys for Friant Water Authority and Arvin-Edison
Water Storage District*

**Stipulation to Extend Briefing Deadlines for Plaintiffs' Record Motions
Case Nos. 1:20-cv-00426-DAD-EPG; 1:20-cv-00431-DAD-EPG**

1
2 Dated: July 12, 2021

/s/ Jenna R. Mandell-Rice
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5 Dated: July 12, 2021

/s/ Marc R. Bruner
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9 Dated: July 12, 2021

/s/ Timothy O'Laughlin
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12 Dated: July 12, 2021

/s/ Kenneth Robbins
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16 Dated: July 12, 2021

/s/ Jennifer T. Buckman
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19
20 **ORDER**

21 Pursuant to the Parties' Stipulation, the Court hereby orders as follows:

22 (1) the due date for Federal Defendants' responses to Plaintiffs' motions in *PCFFA v. Raimondo*, Case No. 1: 20-cv-00431-DAD-EPG, to complete the administrative records or, in
23 the alternative, supplement the administrative records (ECF 224), and in *CNRA v. Raimondo*,
24 Case No. 1:20-cv-00426-DAD-EPG (ECF 149; ECF 158), to complete and supplement the
25 records, is July 14, 2021;

27
28 Stipulation to Extend Briefing Deadlines for Plaintiffs' Record Motions
Case Nos. 1:20-cv-00426-DAD-EPG; 1:20-cv-00431-DAD-EPG

1 (2) the due date for Intervenor-Defendants' responses to Plaintiffs' Motions is July 19,
2 2021; and

3 (3) the due date for Plaintiffs' replies is August 9, 2021.

4
5 IT IS SO ORDERED.
6

Dated: July 14, 2021



UNITED STATES DISTRICT JUDGE